

63A-4-201 Risk Management Fund created -- Administration -- Use.

- (1)
 - (a) There is created the Risk Management Fund, which shall be administered by the risk manager.
 - (b) The fund shall cover property, liability, fidelity, and other risks as determined by the risk manager in consultation with the executive director.
- (2) The risk manager may only use the fund to pay:
 - (a) insurance or reinsurance premiums;
 - (b) costs of administering the fund;
 - (c) loss adjustment expenses;
 - (d) risk control and related educational and training expenses; and
 - (e) loss costs which at the time of loss were eligible for payment under rules previously issued by the executive director under the authority of Section 63A-4-101.
- (3) In addition to any money appropriated to the fund by the Legislature, the risk manager shall deposit with the state treasurer for credit to the fund:
 - (a) any insured loss or loss expenses paid by insurance or reinsurance companies;
 - (b) the gross amount of all premiums and surcharges received under Section 63A-4-202;
 - (c) the net refunds from cancelled insurance policies necessary to self-insure previously insured risks, with the balance of the proceeds to be refunded to the previously insured agencies;
 - (d) all refunds, returns, or dividends from insurance carriers not specifically covered in Subsections (3)(a), (b), and (c);
 - (e) savings from amounts otherwise appropriated for participation in the fund; and
 - (f) all net proceeds from sale of salvage and subrogation recoveries from adverse parties related to losses paid out of the fund.
- (4)
 - (a) Pending disbursement, the risk manager shall provide surplus money in the fund to the state treasurer for investment as provided in Title 51, Chapter 7, State Money Management Act.
 - (b) The state treasurer shall deposit all interest earned on invested fund money into the fund.

Amended by Chapter 303, 2011 General Session